DETAILED ACTION

The amendment received on 21 December 2009 is acknowledged and entered. Claim 4 has been amended. Claims 3, 7-8, 13, 17-18, and 21 have been canceled. No claims have been added. Claims 1-2, 4-6, 9-12, 14-16, and 19-20 are currently pending.

Response to Amendments and Arguments

1. Applicant's arguments filed 21 December 2010 have been fully considered but they are not persuasive.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

3. In response to Applicant's arguments that here is no disclosure in Alfred et al. directed to generating a cost differential report according to the estimated total cost for each product., the Examiner notes that Alfred et al. discloses the step of generating a quotation includes the step of applying a markup to the cost of manufacturing the custom-processed paper product. Alternatively, the step of generating a quotation includes the steps of selecting a desired mark-up from a plurality of possible markups and applying the selected markup to the cost of manufacturing the custom-processed paper product. The markup is determined based on at least one of a plurality of mark-up factors. The plurality of

mark-up factors includes quantity requested, product type, and product features (0016). Alfred et al. further discloses a quotation indicating the price of the requested product offered to the requester is generated at step 204. In the illustrated embodiment, the price is determined by applying a markup to the product cost determined at step 202. In the illustrated embodiment, a markup is determined based on the quantity of products requested. For example, a markup may be a percentage, which is multiplied by the estimated cost. The product of this calculation is then added to the estimated cost in order to generate the final selling price. The markup may also be a fixed dollar value that is added to the estimated cost. The markup may be obtained from a predefined look-up table, list, spreadsheet, or database. It is understood that the markup may be determined based on factors other than quantity. For example, the markup may be unique to each requester. Markups may also be determined wholly or in part based on the product type, product features, requester's geographic location, the total cost of the order, the urgency of the order, the uniqueness of the request, and/or other factors deemed relevant by the provider ([0060]).

4. In response to Applicant's argument in regards to claims 4 and 14, that Musafia et al. fails to overcome the deficiencies of Alfred et al., Prakash, and Niki et al., the Examiner respectfully disagrees. Musafia teaches hidden cost correction in ([0165]); and Yauk et al. discloses determining a total hidden cost value for one or more products (FIGS. 38, 63, 74A, and 76A).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 4 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

While the disclosure of the instant application recites:

[37] Figure 3 illustrates a cost and savings report summary according to one or more aspects of the present invention. The cost and savings report 300 may comprise several informational categories such as product savings 305, ***hidden savings 320*** and total product savings 335, as well as total percentage savings 350 and pricing contact information 365. Under each category 305, 320 and 335, a list of factors and their corresponding price, cost and savings may be included. The summary report 300 may also display the percentage reduction assumption 355 and the overall savings 350 after accounting for all processing considerations included in the estimation. In addition to the savings estimate, the report may also comprise contact information 365 for potential customers to obtain more specific pricing quotes or to Place an order. The summary report may further comprise other data such as payment options or availability. Such information may be important if a customer is relying on the price and estimate for the successful operation of his or her business.

The Examiner is unable to locate a “total hidden cost value” or an “total actual hidden cost value”.

Appropriate correction is required.

6. Claims 4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As per claims 4 and 14, the Examiner is unable to determine from the claim language "actual hidden cost" what the Applicant is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-2, 9-12, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred et al. (US PG Pub. 2003/0187808), in view of Prakash (US PG Pub. 2002/0143677), still in further view of Niki et al. (US PG Pub. 2001/0037257).

As per claim 1, Alfred et al. disclose a computer system, comprising:

a processor (FIG. 1); and

a memory for storing computer readable instructions that, when executed by said processor, cause the computer to perform the steps of (FIG 1) :

receiving a set of data corresponding to a set of predetermined variables (paragraph [0014]); and

determining a difference in cost between products, and generating a cost differential report according to the estimated total cost for each product (paragraph [0016], [0109]); and

displaying the report (paragraph [0016]).

Alfred et al. does not expressly disclose using the set of data corresponding to the set of predetermined variables, and wherein the total cost estimate is based on determining a total material cost for one or more products.

Prakash discloses a cost savings goal may be stated in terms of a percentage relative to a baseline price or a monetary amount and may include parameters specifying one or more items (which may include raw materials, component parts, products, or other tangible or intangible things), suppliers, time frames, units within an organization, personnel within an organization, or other suitable parameters ([0018]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings system of Prakash in order to include the cost of materials in the total cost of products to determine the appropriate sale price for the seller to maximize profits.

Alfred et al. in view of Prakash does not expressly disclose the step of displaying the report further comprises generating a graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information"

in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the invention of Niki et al. in order to display savings or discounts to customers.

As per claim 2, Alfred et al. discloses the computer system of claim 1, wherein the step of receiving a set of data corresponding to a set of predetermined variables further comprises: receiving the set of data from the user through portions of a user interface configurable for user input (paragraph [0017]).

As per claim 5, Alfred et al., in view of Niki et al. discloses the computer system of claim 1 as described above, but does not specifically disclose determining the percentage cost differential between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to define a cost savings goal in terms of items, suppliers, time, units within an

organization, personnel within an organization, and other suitable parameters and specify a cost savings goal as a percentage relative to a baseline price or

as a monetary amount; accordingly, a cost savings goal object may include properties such as a commodity dimension, a supplier dimension, a time dimension, a organization dimension, and a buyer dimension; and a cost savings goal object may also include a target savings percentage and a target savings amount, which may specify a particular cost savings goal relative to an effective baseline price ([0019]; FIG 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6, Alfred et al., in view of Niki et al. disclose the computer system of claim 1 as described above, bit does not specifically disclose determining the difference in total cost between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to define a cost savings goal in terms of items, suppliers, time, units within an

organization, personnel within an organization, and other suitable parameters and specify a cost savings goal as a percentage relative to a baseline price or

as a monetary amount; accordingly, a cost savings goal object may include properties such as a commodity dimension, a supplier dimension, a time dimension, a organization dimension, and a buyer dimension; and a cost savings goal object may also include a target savings percentage and a target savings amount, which may specify a particular cost savings goal relative to an effective baseline price ([0019]; FIG 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9, Alfred et al. discloses the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph [0108]).

As per claim 10, Alfred et al. discloses the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph [0108]).

As per claim 11, Alfred et al. discloses computer-readable medium having computer-executable instructions for performing a method of calculating and comparing costs and savings for one or more products, the method comprising:

receiving a set of data corresponding to a set of predetermined variables (paragraph [0014]);

determining a difference in cost between products, and generating a cost differential report according to the estimated total cost for each product (paragraph [0016], [0109]); and

displaying the report (paragraph [0016]).

Alfred et al. does not expressly disclose using the set of data corresponding to the set of predetermined variables, and wherein the total cost estimate is based on determining a total material cost for one or more products.

Prakash discloses a cost savings goal may be stated in terms of a percentage relative to a baseline price or a monetary amount and may include parameters specifying one or more items (which may include raw materials, component parts, products, or other tangible or intangible things), suppliers, time frames, units within an organization, personnel within an organization, or other suitable parameters ([0018]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings system of Prakash in order to include the cost of materials in the

total cost of products to determine the appropriate sale price for the seller to maximize profits.

Alfred et al. does not further expressly disclose the step of displaying the report further comprises generating a .graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information" in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the invention of Niki et al. in order to display savings or discounts to customers.

As per claim 12, Alfred et al. disclose the computer readable medium of claim 11, wherein the step of receiving a set of data corresponding to a set of predetermined variables further comprises:

receiving the set of data from the user through portions of a user interface configurable for user input (paragraph [0017]).

As per claim 15, Alfred et al. in view of Niki et al. disclose the computer-readable medium according to claim 11 as described above, but does not specifically disclose determining the percentage cost differential between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to define a cost savings goal in terms of items, suppliers, time, units within an organization, personnel within an organization, and other suitable parameters and specify a cost savings goal as a percentage relative to a baseline price or as a monetary amount; accordingly, a cost savings goal object may include properties such as a commodity dimension, a supplier dimension, a time dimension, a organization dimension, and a buyer dimension; and a cost savings goal object may also include a target savings percentage and a target savings amount, which may specify a particular cost savings goal relative to an effective baseline price ([0019]; FIG 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 16, Alfred et al., in view of Niki et al. disclose the computer-readable medium according to claim 11 as described above, bit does not specifically disclose determining the difference in total cost between each pair of products.

Prakash discloses accordingly, cost savings goal class 20a may allow a user to define a cost savings goal in terms of items, suppliers, time, units within an organization, personnel within an organization, and other suitable parameters and specify a cost savings goal as a percentage relative to a baseline price or as a monetary amount; accordingly, a cost savings goal object may include properties such as a commodity dimension, a supplier dimension, a time dimension, a organization dimension, and a buyer dimension; and a cost savings goal object may also include a target savings percentage and a target savings amount, which may specify a particular cost savings goal relative to an effective baseline price ([0019]; FIG 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost savings feature of Prakash in order to quickly determine a cost comparison and savings between products since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 19, Alfred et al. discloses the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph [0108]).

As per claim 20, Alfred et al. discloses the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph [0108]).

9. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred et al. (US PG Pub. 2003/0187808), in view of Prakash (US PG Pub. 2002/0143677), still in further view of Niki et al. (US PG Pub. 2001/0037257), as applied to claims 1 and 11 above, and further in view of Musafia et al. (US PG Pub. 2002/0038235), still in further view of Yauk et al. (US Patent No. 5,153,825) .

As per claim 4, Alfred et al. , in view of Prakash, in view of Niki et al. discloses the computer system of claim 1, but does not specifically disclose determining a total hidden cost value for one or more products.

Musafia et al. discloses total production cost is the materials and supplies cost (as referenced above) are summed with the labor cost (as referenced above) and one or more safety margin costs, called the Hidden Cost Correction

Parameter (HCC+P) ([0162]); and DELTA.=Cost of materials and supplies to produce given product item, as calculated above ([0163]; and SIGMA.=Hidden Cost Correction Parameter (HCC+P) ([0165]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the calculation of hidden cost as described in Musafia in order to make more reliable calculations pertaining to known and unknown cost components as they pertain to total cost.

Prakash in view of Niki et al. in view of Musafia et al. does not expressly disclose actual hidden costs.

Yauk et al. discloses determining a total hidden cost value for one or more products (FIGS. 38, 63, 74A, and 76A).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al,. to include the feature of itemizing costs of materials and goods in order to provide optimal pricing for goods.

As per claim 14, Alfred et al., in view of Prakash, in view of Niki et al. discloses the computer-readable medium according to claim 11 as described above, but does not specifically disclose determining a total hidden cost value for one or more products.

Musafia et al. discloses total production cost is the materials and supplies cost (as referenced above) are summed with the labor cost (as referenced above) and one or more safety margin costs, called the Hidden Cost Correction

Parameter (HCC+P) ([0162]); and DELTA.=Cost of materials and supplies to produce given product item, as calculated above ([0163]; and SIGMA.=Hidden Cost Correction Parameter (HCC+P) ([0165]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the calculation of hidden cost as described in Musafia in order to make more reliable calculations pertaining to known and unknown cost components as they pertain to total cost.

Prakash in view of Niki et al. in view of Musafia et al. does not expressly disclose actual hidden costs.

Yauk et al. discloses determining a total hidden cost value for one or more products (FIGS. 38, 63, 74A, and 76A).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al,. to include the feature of itemizing costs of materials and goods in order to provide optimal pricing for goods.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628